

*Application for  
Individual Water Quality State 401 Certification  
State of West Virginia*



*for  
Non Coal Related Facilities*

## STATE OF WEST VIRGINIA

### APPLICATION FOR 401 WATER QUALITY CERTIFICATION FOR NON COAL RELATED ACTIVITY

This application must be completed whenever a proposed activity requires a Clean Water Act Section 401 Individual State Water Quality Certification from the West Virginia Department of Environmental Protection (WVDEP). A Section 401 Certification from the State is required to obtain a Federal Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers, or any other federal permits or licenses for projects that will result in a discharge of dredged or fill material into any waters of the State. To determine whether you need to submit this application to the West Virginia DEP, contact the U.S. Army Corps of Engineers District Office with jurisdiction over your permit area, and the West Virginia Division of Water and Waste Management at (304) 926-0495 X 1599.

The West Virginia DEP Section 401 Water Quality Certification program, is authorized by Section 401 of the Clean Water Act (33 U.S.C. § 1341) and the West Virginia Code §22-1-6(d)(6). West Virginia Legislative Rule 47 CSR 5A outlines the application process and criteria for decision by the Secretary of the WVDEP. In order for the DEP to issue a Section 401 Certification, the project must comply with the State Water Quality Standards (46 CSR 1) and not potentially result in an adverse long-term or short-term impact on water quality. Included with the Water Quality Standards is the Antidegradation Implementation Rule (60 CSR 5) effective July 2, 2001. The Rule includes additional application requirements and public participation procedures. Because there is a potential for lowering of water quality associated with every project being reviewed for Section 401 Certification, every applicant must provide the information required of this application.

Information provided with the application will be used to evaluate the project for certification and is a matter of public record. If the Secretary determines that the application lacks information necessary to determine whether the applicant has demonstrated the criteria set forth in Legislative Rule 47CSR5A, the West Virginia Department of Environmental Protection will inform the applicant in writing of the additional information that must be submitted. The application will not be accepted until it is considered complete by the Director of the DEP Division of Water and Waste Management. You will be informed in writing when your application is determined to be complete.

Please submit the following with the \$250 application fee to: Division of Water and Waste Management, Section 401 Program, 601 57<sup>th</sup> Street SE, Charleston, West Virginia 25304

- \* Two (2) sets of the completed application form, including a map of location and scaled plan drawings and sections.

*Please submit two (2) copies of this form along with the \$250 filing fee for review. Any information missing in this package will be considered incomplete. A full permit review will not be made until all information is provided. The Department of Environmental Protection will notify you of any missing and/or further information necessary for a proper and thorough review for certification.*

For Agency Use Only	
Date Received by Agency:	DEP application No.:
Public Notice Number:	Filing Fee of \$250 received:
Reviewer's Name:	Date Application Deemed Complete:

## APPLICANT INFORMATION

Applicant Name: _____			Agent Name: _____		
Company: _____			Company: _____		
Address: _____			Address: _____		
City: _____	State: _____	Zip Code: _____	City: _____	State: _____	Zip Code: _____
Telephone Number: _____			Telephone Number: _____		
Fax Number: _____			Fax Number: _____		

## PROJECT DESCRIPTION

<p>State the type of federal permit applicant is applying for:</p> <p>_____ Individual 404/401 Certification – Public Notice # _____</p> <p>_____ Nationwide 404 permit requiring 401 Certification – Nationwide Permit # _____</p> <p>_____ A modified 404 permit requiring 401 Certification – Original Public Notice # _____</p> <p>_____ A Federal Energy Regulatory Commission Licenses – FERC Project Number _____</p> <p>Type of Operation: _____</p> <p>Activity proposed in wetland or waterway: _____</p> <p>_____</p> <p>Project Purpose: _____</p> <p>_____</p> <p>Briefly describe proposed project: _____</p> <p>_____</p>
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**PROJECT INFORMATION**

County:	Nearest Town:	Coordinates:
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Directions to site: include a USGS topographical map section showing location of proposed project.

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Watershed Name:	Watershed Size:
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Name of Stream(s): (Where work will occur. Label each stream number 1,2,...etc. Next to stream, identify its use category and impairment status if applicable)

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Acreage of watershed: (above the farthest downstream permanent structure for each stream)

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Wetlands on project site:	Wetlands impacted by proposed project: (acres)
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Briefly describe wetland functions:

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Describe the type, composition and quantity of fill material:

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**NO PRACTICAL ALTERNATIVE DEMONSTRATION**

## WETLANDS DELINEATION

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## STREAM RESTORATION PLAN

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## MITIGATION / COMPENSATION AGREEMENT

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## SIGNATURE – STATEMENT OF AFFIRMATION

*Please read carefully before signing*

Application is hereby made for a water quality certification to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true and accurate. I certify that I have the authority to undertake the activities proposed in the application. I understand and agree to allow representatives of the Department of Environmental Protection to enter upon said property in order to inspect the proposed project. I understand that the granting of other permits by local, state or federal agencies does not release me from the requirements of obtaining the certification requested herein before commencing the project.

Applicants Printed Name: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## PUBLIC NOTICE

Publication Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_ 30 Days After Date of Publication

## TO WHOM IT MAY CONCERN:

State Water Quality Certification, as required by Section 401 of the Clean Water Act, has been requested of the West Virginia Department of Environmental Protection (WVDEP) for:

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(Name of Project)

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(Name and address of Applicant)

**SCOPE OF CERTIFICATION:** Pursuant to Section 401 of the Federal Clean Water Act, the State may, either certify, certify with conditions, deny or waive certification that the proposed activity will comply with Sections 301, 302, 303, 306 and 307 of the Federal Clean Water Act and other appropriate requirements of State law. When issuing certification, the WVDEP may consider the proposed activity's impact on water resources, fish and wildlife, recreation, critical habitats, wetlands and other natural resources under its jurisdiction. Procedural and interpretive regulations governing the scope of the Department's certification, public comment, hearings and appeals are in Title 47, Series 5A.

**DESCRIPTION OF THE ACTIVITY:** Provide a description which details the activity proposed for the wetland, river or stream to be affected.

**PROJECT LOCATION:** Provide topographic or county highway map showing location of project and include mile point for rivers and streams.

**INFORMATION AVAILABLE:** The Water Quality Certification application is available for inspection between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, at the following location:

WV Department of Environmental Protection  
Division of Water and Waste Management  
401 Certification Program  
601 57<sup>th</sup> Street SE  
Charleston, West Virginia 25304

**COMMENTS:** Comments and information relating to Section 401 Water Quality Certification for this activity are hereby solicited. Such information on the activity's impact will be considered if postmarked prior to the expiration date of this notice. The need for a public hearing will be determined based on an evaluation of specific request for such hearing. All comments and information should be mailed to:

WV Department of Environmental Protection  
Division of Water and Waste Management  
401 Certification Program  
601 57<sup>th</sup> Street SE  
Charleston, West Virginia 25304

Comments and information postmarked later than the expiration date may not be considered.